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8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION
12

13 SUCCESSFACTORS, INC.,

14 Plaintiff,

15 v.

16 SOFTSCAPE, INC.,

17 Defendant.

Case No.: C-08-1376 (CW)

**DECLARATION OF DAVID WATKINS
RE: APRIL 23, 2008 EVIDENCE
PRESERVATION ORDER**

Date: April 30, 2008

Time: N/A

Place: Courtroom 2

Honorable Claudia Wilken

1 I, DAVID WATKINS, declare as follows:

2 1. I am the Chief Executive Officer of defendant Softscape, Inc. ("Softscape"). I have
3 personally observed, directed or confirmed the occurrence of each action described in this
4 declaration. I have personal knowledge of the facts set forth in this declaration, except for those
5 matters that are stated on information and belief, and as to those matters I believe them to be true.
6 If called as a witness, I could and would competently testify to the matters stated herein.

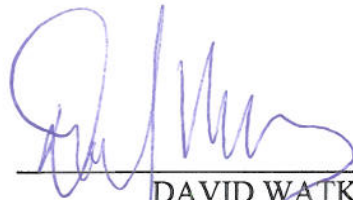
7 2. I have reviewed this Court's "Evidence Preservation Order" entered on April 23,
8 2008. I make this declaration to satisfy the obligation imposed on me by paragraph 8 of that
9 order.

10 3. Softscape has, under my direction and to the best of my knowledge, taken all
11 reasonable steps to satisfy the obligations set out in paragraph 7 of the Evidence Preservation
12 Order. Softscape has stopped the recycling of backup tapes from all potentially relevant servers
13 known to me (satisfying the requirements of paragraph 7(B)). Softscape has also had forensic
14 images made of all potentially relevant servers and computers known to me (satisfying the
15 requirements of paragraph 7(C)). I have conducted a reasonable and diligent investigation and,
16 based upon my current knowledge, I believe that Softscape does not have any remaining business
17 practice that involves the routine destruction, recycling, relocation, or mutation of any material
18 potentially relevant to this action (satisfying the requirements of paragraph 7(A)).

19 4. Softscape will continue to take all steps that are reasonably necessary to identify,
20 locate and preserve evidence that is likely to be relevant to this case. Softscape will also continue
21 to adhere to its obligation to preserve all potentially relevant evidence that it discovers.

22 I declare under penalty of perjury, under the laws of the United States of America, that the
23 foregoing is true and correct. Executed on April 30, 2008, at Wayland, Massachusetts.

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DAVID WATKINS